

**Nolensville Planning Commission
Regular Meeting
Nolensville Elementary School
June 12, 2007, 7:00 p.m.**

Members in attendance were Rick Owens, Willis Wells, Mayor Lothers, Frank Wilson, Matt Happel, Debbie Riddle, Bob Haines and Andy Grosson. Alderman Alexander was not in attendance. Staff present were Attorney Bob Notestine, Henry Laird, Michael Blanks, Tom Allen and Gina Lawrence.

I. Call Meeting to Order

The meeting was called to order at 7:08 p. m.

II. Pledge of Allegiance

The Pledge of Allegiance was led by Rick Owens.

III. Approval of Minutes

Rick Owens moved to approve the minutes from the May 8, 2007 Planning Commission Meeting. Mayor Lothers seconded the motion. The topic was opened for discussion. Frank Wilson noted that on page three in the third paragraph the word “adjacent” should be changed to read “a part of.” Rick Owens moved to approve the amended minutes. Mayor Lothers seconded the motion. Bob Notestine stated that there was no second required. The motion was approved unanimously.

IV. Announcements

Rick Owens stated that he had attended the Williamson County Planning Commission meeting and he was impressed with the professionalism with which the meeting was run. Mayor Lothers stated that she would be attending the next Williamson County Planning Commission meeting and would need volunteers to attend future meetings.

V. Citizen Comments

There were no citizen comments.

VI. New Business

1. Subdivision Reviews:

a) Bent Creek Final P.U.D. Plan, Phase 4, Sec. 1&2

Henry Laird stated that Bent Creek Final P.U.D. approval for Phase 4, Sections 1 and 2 would reduce the number of lots in order to make each lot wider. Eric McNeely explained that the background on the plan was that it had been approved in April of 2006 but that Cates-Kottas felt it was best to widen the lots to 70 feet which would reduce the number of lots by 11. The subdivision regulations stated that if two or more lots are changed then a new final P.U.D. must be submitted to the Town.

Mayor Lothers moved to approve the plan. Bob Haines seconded the motion. The topic was opened for discussion. Matt Happel asked whether the developer had received any feedback from residents about paving the 8 foot wide grass cut pedestrian trail shown on the plan. Mr. McNeely stated that they had received feedback that the residents would prefer a paved trail. Mr. Happel stated that he did not understand why Cates-Kottas would not pave the trail if that is what their residents want. Mr. McNeely stated that they were intent on making the trail a grass cut trail. Mayor Lothers asked if there had been any discussion about the Town moving toward side load lots. Mr. McNeely pointed out that the plan had already been approved and that they were simply reducing the number of lots. The vote was taken and the P.U.D. was approved unanimously.

b) Benington Revised Final Plat, Phase 4

Henry Laird stated that the Benington Revised Final Plat for Phase 4 consisted of thirty five lots which were originally approved by the County. Staff recommended approval with the bond amount to be set at \$107,847. Eric McNeely was present to represent Cates-Kottas. Bob Notestine stated that his concern was that access to the Cemetery would be through Benington. Attorney Notestine asked how the note denoting ingress and egress to the Cemetery came to be. Mr. McNeely stated that when the plat was approved by the County the developer was required to delineate the Cemetery. Mr. McNeely stated that he was unaware of any plans for fencing the Cemetery. Bob Notestine stated that the Town made representation that it was interested in preserving the cemetery.

Matt Happel asked about the spaces between lots 1431 and 1430. Mr. McNeely stated that there was a sink hole located there. Mr. Happel asked if there was also a sink hole located between lots 1432 and 1433. Mr. McNeely stated there was. Mr. Happel suggested that the spaces would allow access to the Cemetery. Mayor Lothers asked if the Cemetery was a family cemetery. Mayor Lothers stated that whatever has been communicated to the property owner should be followed through with by this

Commission. Mayor Lothers asked if Mr. McNeely could make a phone call and gather more information. Mr. McNeely stated that he would. Mayor Lothers moved to temporarily remove the topic from the table. Rick Owens seconded the motion. Removal was approved unanimously.

c) Sunset Park Final Plat

Henry Laird stated that Bob Haemmerlein with Tennessee Valley Homes was present to answer any questions. Mr. Laird noted that Sunset Park was a 93 lot development that started out through Williamson County. Mr. Laird stated that several things needed to be taken care of on this project. Mr. Laird noted that approval of the Homeowners Association documents was needed from our legal counsel and the bond amount needed to be set. Mr. Laird noted that the developer is willing to comply with all previously imposed conditions including a \$1270.20 mitigation fee.

Matt Happel asked for clarification about Owen Road. Bob Haemmerlein stated that their plat was approved by Williamson County in 2005. He stated that earlier in the year they had appeared before the Nolensville Planning Commission in order to get an extension. The one condition that was placed upon the developer was that they make improvements to Owen Road. The developer proposed that temporary repairs be made to the road throughout the 4 to 5 years of construction with final improvements to be made at 90% build out. He stated that they had already completed traffic design improvements for Sunset Road. Mr. Haemmerlein stated that they would be engaging in a street tree planting program along all interior roads as each house is completed. He further noted that they would be implementing the turn lanes on Sunset Road as well as the deceleration lanes for the approach to Sunset Park.

Debbie Riddle moved to open the topic for discussion. Frank Wilson seconded the motion. Frank Wilson asked about the bond amount. Mr. Laird stated that \$420,725 was the amount that Don Swartz had recommended. Matt Happel asked if the redesign of the Sunset curve had been handled satisfactorily. Mr. Laird stated that the Town is concerned that the collection of the mitigation fee would obligate the Town to straighten out the curve on Sunset Road. Mr. Laird noted that the redesign of the curve was not included in the Traffic Impact Study. Bob Notestine stated that the Town had annexed this property immediately after the plat was approved through the County. Mr. Notestine stated that he thought any conditions set by the County would apply. He further noted that there was not any indication of when the fee was to be paid. Bob Haines stated that he had always thought that the fee would be paid at the time of permitting for each lot.

Mr. Laird asked for clarification from Mr. Notestine about whether or not the acceptance of the mitigation fee would obligate the Town to realign the curve. Mr. Laird pointed out that the Traffic Impact Study and the Impact Fee would commit the Town to widening Sunset Road but not necessarily to realigning the curve. Bob Notestine stated that he had not seen the minutes from the Williamson County meeting dealing with the

mitigation fee for Sunset Park but that he did know that we assumed some responsibility when we annexed the Sunset Park project. Mr. Notestine further stated that he did not think that it was advisable to deal with this issue based on a future fee that might not be implemented.

Rick Owens asked for more detail about the maintenance to be done on Owen Road. Bob Haemmerlein stated that as the roads within the subdivision are paved there is always a bit left over and we would agree to maintain it in that way until 90% build out and at that point we would grade it from our entrance all the way out to Sunset Road.

Rick Owens moved to approve with the conditions that temporary paving be done to Owen Road in order to maintain passable roads during construction. Final paving on Owen Road is to be done at 90% build out. Mitigation fees are to be collected at the time of permitting for each lot. Bond amount is to be set by the Town Engineer. Bob Haines seconded the motion. The motion passed unanimously.

d) Nolen Park Final Plat, Phase 2

Dan Crunk with Jones Company was present for questions. Henry Laird stated that the developer had responded satisfactorily to staff comments which consisted of providing street addresses and providing bonding in the amount of \$310,000. Mr. Laird stated that the Town had also requested that sink hole locations be shown on the plat particularly around lots 30 and 31.

Tom Allen stated that there were permits for two class 5 injection wells for two of the sink holes which expired in April of this year. Mr. Crunk stated that they had applied for the permits. Mr. Allen stated that he did not think that area between lots 30 and 31 were sink holes but were in fact wet areas. Mr. Allen stated that he thought that it would be appropriate to make it a condition of approval that those areas be noted on the plat. Mayor Lothers noted that it should be stated in the motion that the contractor is to address the issue of the wet areas on lots 31 and 30. Bob Haines noted that a sink hole buffer was located between lots 25 and 26 and he believed that there was a condition that the roadway would be an emergency entrance and exit. Dan Crunk stated that the fire department had come out and a gate was to be erected with a squelch box to prevent the roadway from being used as a secondary entrance and exit by the homeowners. Bob Haines requested that the installation of the gate and squelch box be a condition of plat approval.

Rick Owens moved to approve the plat with the conditions that the emergency designation of the roadway between lots 25 and 26 would be shown on the plat including a gated barrier and a squelch box. The Town Engineer must approve the submitted plans by the geotechnical engineer on the depressed areas located between lots 30 and 31. Bond will be set at \$310,000. Bob Haines seconded the motion. The motion passed unanimously.

e) Benington Revised Final Plat, Phase 4

Eric McNeely stated that Cates-Kottas had agreed to put a fence around the Cemetery. He stated that Cates-Kottas had paid for delineation and that the Cemetery is located on the property. Bob Notestine stated that Tennessee law states that the public is allowed access to a cemetery.

Debbie Riddle moved to approve Final Plat Phase 4 Benington with the condition that a 10 foot easement be provided between lots 1425 and 1426 for direct ingress and egress to the Cemetery. The Cemetery is to be fenced and the trail delineated with a marker by the contractor. Item 14 of the plat will reflect these changes. The Home Owners Association will be responsible for maintenance of the easement. Bond will be set at \$107,847. Bob Haines seconded the motion. The motion passed unanimously.

B. Zoning Amendment Proposals

1. Reconsider building lot standards to establish maximum impervious surface ratio, maximum floor area ratio, and maximum first floor sizes for the Village District and the Village District with Historic Overlay District applied.

Henry Laird stated that the main changes made to this table were to the Floor Area Ratio, Maximum Impervious Surface Ratio and Maximum First Floor Area. He stated that his changes were noted in bold. He noted that the Planning Commission had approved all but the Floor Area Ratio at last months meeting. He stated that Staff was trying to show that simply because the Floor Area Ratio indicates that one can build a certain size building on a lot does not mean that the building will be that large. Mr. Laird stated that the biggest factor at play in determining building size is the parking and landscaping requirements. Our illustrations show that simply because the Floor Area Ratio indicates that you can build a certain size building on a lot, the parking and landscaping requirements play a large role in determining what size structure will actually fit on a lot. The Town's parking requirements are more of a factor than the Floor Area Ratio. Rick Owens opened the topic for discussion. Jim McCanless of 7271 Nolensville Road asked how having retail and office space in the same building would affect parking. Mr. Laird stated that the Town has parking requirements for each and those requirements would have to be conformed to.

Mr. Laird stated that the reason for determining a Floor Area Ratio for the Village is that the current ordinance does not give any guidance. Mr. Laird stated that what has been proposed seems to be reasonable. Keith McCord of 7263 Nolensville Road asked to hear a definition of Floor Area Ratio. Henry Laird stated that it is the allowable square footage in relation to the acreage of a lot. Mr. Laird stated that there was a more detailed definition in the Zoning Ordinance.

Rick Owens moved to amend the Maximum Impervious Surface to read 0.6. Debbie Riddle seconded the motion. The motion passed unanimously.

2. Reconsider a revised proposed amendment to zoning ordinance dealing with definitions of structures, building envelope, when building permits are required, and establishing permitted incidental structures or obstructions to be allowed to be placed within required building setbacks.

Henry Laird stated that he, Michael Blanks and Don Swartz were trying to create a reasonable definition of the terms “structure” and “building envelope.”

Mr. Laird read the definitions included in the Planning Commission packets. Michael Blanks answered various questions from the Commission. He noted that it would be helpful to stick to the principle that one roofline attached to another roofline equals a structure attached to a structure. He also added that this ordinance would be much more enforceable by our Codes Department. Mr. Blanks stated that the current ordinance is not enforceable. Mr. Laird provided an alternative to item number 6 and asked the Commission to choose between the two versions. Mayor Lothers moved to approve the amendment with the amended item 7 as provided by Bob Notestine and with the item 6 alternative. Rick Owens seconded the motion. The motion passed unanimously.

VII. Old Business

There was no old business.

VIII. Other Business

There was no other business

A. Reduction/extension of performance bond for Bent Creek Phase 3, Sec. 1

Eric McNeely stated that Cates-Kottas would like to stay in performance stage and reduce the bond amount to \$81,000 from \$95,000.

B. Monthly Bond Report

Mayor Lothers moved to approve the monthly bond report including the reduction and extension for Bent Creek Phase3, Sec. 1. Rick Owens seconded the motion. The motion passed unanimously.

IX. Adjournment

The meeting adjourned at 9:15 p. m.

Respectfully submitted,

Gina Lawrence
Recording Secretary

Date

Approved

Matt Happel
Planning Commission Secretary

Date

*Reviewed*_____